

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
Tuqiang NI *et al.* : Confirmation No. 5171  
U.S. Patent Application No. 09/821,753 : Group Art Unit: 1763  
Filed: March 30, 2001 : Examiner: Luz L. Alejandro Mulero  
For: PLASMA PROCESSING METHOD AND APPARATUS WITH CONTROL OF PLASMA EXCITATION POWER

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Appeal Brief dated May 16, 2008, appellants resubmit herewith only (1) a new Section V. Summary of Claimed Subject Matter, and (2) a new Evidence Appendix, including the referenced Declarations, for the Appeal Brief filed January 22, 2008. Appellants do not understand the comment in the Notice regarding claim 58 because the discussion about claim 58 in Section V of the Brief submitted January 22, 2008, does not mention the Bailey Declaration. The discussion of the Bailey Declaration in connection with claim 47 has been deleted.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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